

cl



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

cl

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/095,325 06/10/98 EGGLESTON

G PD05513AWD01

020280 TM02/0809
MOTOROLA INC
600 NORTH US HIGHWAY 45
LIBERTYVILLE IL 60048-5343

EXAMINER

CARDONE, I	
ART UNIT	PAPER NUMBER

2152
DATE MAILED:

08/09/01

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

cl

Office Action Summary

Application No.

09/095,325

Applicant(s)

Eggleston et al.

Examiner

Jason D. Cardone

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 6, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2152

DETAILED ACTION

Response to Reconsideration

1. This action is responsive to the amendment of the applicant (Paper No. 15) filed on 6/6/01. Claims 26-32 are presented for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. "Barnes", U.S. Patent No. 4,888,681, in view of Srinivasan, U.S. Patent No. 5,548,506.

4. Regarding claim 26, Barnes discloses a method of controlling communications between an electronic communication server and communication units, the method, at the electronic communication server [Barnes, col. 2, line 42 - col. 3, line 64, col. 7, line 19 - col. 8, line 57, and col. 11, line 46 - col. 12, line 69], comprising:

assigning a use limit for group resources of a first group, wherein the first group has a predetermined number of users [Barnes, col. 8, lines 4-58, col. 11, lines 46-67, and col. 19, lines 8-19];

Art Unit: 2152

allowing users belonging to the first group to draw on unused group resources [Barnes, col. 8, lines 4-58, col. 11, lines 46-67, and col. 19, lines 8-19];

monitoring the use limit for group resources to determine if the use limit for group resources is exceeded [Barnes, col. 12, lines 17-69 and col. 19, line 40 - col. 20, line 20]; and

upon the group resource limit being exceeded, enabling a communication restriction to be implemented, terminating communication between the electronic communication server and the communication units [Barnes, col. 9, lines 24-65, col. 12, lines 17-69, and col. 20, line 46 - col. 21, line 37].

5. Barnes discloses upon the group resource limit being exceeded, enabling a communication restriction to be implemented, terminating communication between the electronic communication server and the communication units. Barnes does not specifically disclose another communication restriction to be implemented. Also, Barnes does not specifically disclose groupware communications. However, Srinivasan, in the same field of endeavor, discloses a groupware communications with an Auto Multi-Project Server (AMPS) [Srinivasan, col. 5, line 18 - col. 8, line 24] and when resource limits exceed, that the resources would be redistributed, selectively enabling predetermine types of communications to continue based on priority of the projects [Srinivasan, col. 7, lines 13-55 and figs. 4 and 9]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate groupware communications and more than one way to handle communications, taught by

Art Unit: 2152

Srinivasan, in to the system, taught by Barnes, since Srinivasan discloses file accessing, similar to Barnes [Barnes, col. 1, lines 7-43] in order to have a more automated approach to the problem and to specifically control different groups [Srinivasan, col. 2, line 58 - col. 3, line 32]. One of ordinary skill in the art would have been motivated to modify Barnes to include groupware communications and another way to handle exceeded limitations in view of Srinivasan, so that the system could be used by multiple groups with multiple communication preferences.

Therefore, it would have been obvious to combine Barnes and Srinivasan (Barnes-Srinivasan) to obtain the invention as specified in claim 26.

6. Regarding claim 27, Barnes-Srinivasan further discloses the use limit for group resources is based on a data transmission size of electronic mail messages received and transmitted [Barnes, col. 9, lines 24-65, col. 12, lines 17-69, and col. 20, line 46 - col. 21, line 37] [Srinivasan, col. 6, lines 3-57].

7. Regarding claim 28, Barnes-Srinivasan further discloses the use limit for group resources is based on an allocated expense for transmitting and receiving electronic mail messages [Barnes, col. 9, lines 24-65, col. 12, lines 17-69, and col. 20, line 46 - col. 21, line 37] [Srinivasan, col. 6, lines 3-57].

Art Unit: 2152

8. Regarding claim 29, Barnes-Srinivasan further discloses assigning each user in the first group an individual use limit; and monitoring the individual use limit of each user [Barnes, col. 8, lines 4-58, col. 11, lines 46-67, and col. 19, lines 8-19] [Srinivasan, col. 5, line 18 - col. 8, line 24].

9. Regarding claim 30, Barnes-Srinivasan further discloses applying the individual use limit for individual electronic mail messages [Barnes, col. 8, lines 4-58, col. 11, lines 46-67, and col. 19, lines 8-19] [Srinivasan, col. 6, lines 3-57].

10. Regarding claim 31, Barnes-Srinivasan further discloses applying the individual use limit for individual electronic mail messages; and applying the use limit for group resources for groupware data transfers [Barnes, col. 8, lines 4-58, col. 11, lines 46-67, and col. 19, lines 8-19] [Srinivasan, col. 5, line 18 - col. 8, line 24].

11. Regarding claim 32, Barnes-Srinivasan further discloses the use limit for group resources for groupware data transfers [Barnes, col. 7, line 19 - col. 8, line 57 and col. 11, line 46 - col. 12, line 69] [Srinivasan, col. 5, line 18 - col. 8, line 24].

Art Unit: 2152

Response to Arguments

12. Applicant's arguments filed 6/6/01 have been fully considered but they are not persuasive.

In the remarks, Applicant argued in substance that:

13. (A) Neither reference teaches controlling communications between a server and communication units that, in response to exceeding a group resource limit, selectively enables predetermined types of communication to continue.

As to point (A), Barnes discloses upon the group resource limit being exceeded, enabling a communication restriction to be implemented, terminating communication between the electronic communication server and the communication units [Barnes, col. 9, lines 24-65, col. 12, lines 17-69, and col. 20, line 46 - col. 21, line 37]. Barnes does not specifically disclose another communication restriction to be implemented. However, Srinivasan, in the same field of endeavor, discloses when resource limits exceed, that the resources would be redistributed, selectively enabling predetermine types of communications to continue based on priority of the projects [Srinivasan, col. 7, lines 13-55 and figs. 4 and 9]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate more than one way to handle communications, taught by Srinivasan, in to the system, taught by Barnes, since Srinivasan discloses file accessing, similar to Barnes [Barnes, col. 1, lines 7-43] in order to have a more automated approach to the problem [Srinivasan, col. 2, line 58 - col. 3, line 32]. One of ordinary skill in the art would have been motivated to modify Barnes to include another way to

Art Unit: 2152

handle exceeded limitations in view of Srinivasan, so that the system could be used by multiple groups with multiple communication preferences.

In determining obviousness, furthermore, references are read not in isolation but for what they fairly teach in combination with the prior art as a whole. *Id.* at 1097, 231 USPQ at 380.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2152

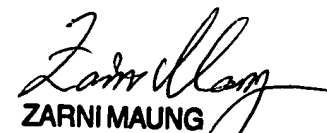
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone, whose telephone number is (703) 305-8484 and fax number is (703) 308-6066. The examiner can normally be reached on Mon.-Thurs (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 305-9700.


Jason D. Cardone

August 7, 2001


ZARNI MAUNG
PRIMARY EXAMINER